

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1717

Introduced by Assembly Member Dickinson

February 16, 2012

An act to add Section 44021 to the Education Code, relating to school district employees.

LEGISLATIVE COUNSEL’S DIGEST

AB 1717, as amended, Dickinson. School district employees: community care facilities.

(1) Existing law requires the State Department of Social Services to notify the local director of social services and the probation officer of the county in which a community care facility is located whenever the license, registration, or special permit issued to the community care facility is suspended, revoked, temporarily suspended, forfeited, canceled, or expired.

Existing law requires the Department of Justice to notify a school district if it discovers that an individual who is an applicant for employment for a position requiring certification qualifications has been convicted of specified offenses and requires a school district employer to request subsequent arrest service from the Department of Justice, as specified.

This bill would require a school district, as part of the hiring process, to request an applicant for a classified or certificated position, including a temporary or substitute position, to provide, in writing, information

regarding a currently or previously held license, registration, or special permit issued under provisions governing community care facilities and regarding current or prior employment in a licensed community care facility. The bill would require an employee of a school district to provide similar information by July 1, 2013. *The bill would require an employee of a school district to notify the school district, as provided, if the employee obtains a license, registration, or special permit issued under provisions governing community care facilities or is hired to work in a licensed community care facility.*

The bill would require a school district that receives information that an applicant for employment or an employee currently holds or previously held such a license, registration, or special permit or is currently employed or was previously employed in a licensed community care facility to submit the applicant's or employee's name, birth date, and driver's license or Department of Motor Vehicles identification number to the State Department of Social Services.

The bill would require the State Department of Social Services to include the contact information for the employing school district in the record of an individual holding a license, registration, or special permit and in the record of the employee of a community care facility *and would require a school district employee to update that information at least annually.* If the individual's license, registration, or special permit is revoked, suspended, forfeited, canceled, or surrendered on the grounds that the holder engaged in conduct inimical to the health, morals, welfare, or safety of ~~either~~ an individual *either residing* in or receiving services from the community care facility or has an exclusion on those grounds, the bill would require the State Department of Social Services to notify the employing school district within 10 days of receipt of that information or within 10 days of the revocation, suspension, forfeiture, cancellation, surrender, or exclusion, whichever is applicable. *The bill would require the State Department of Social Services to notify a school district when an employee of the school district is granted a license, registration, or special permit issued under provisions governing community care facilities or is granted authorization to be employed in a community care facility licensed by the department.*

The bill would require the school district to notify the State Department of Social Services if an employee of a school district who holds a license, registration, or special permit for a community care facility or is employed in a licensed community care facility is dismissed on the basis of endangering the safety of a pupil.

To the extent that these requirements would operate to impose new duties on school districts, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44021 is added to the Education Code,
2 to read:

3 44021. (a) (1) As part of the hiring process, a school district
4 shall request an applicant for a classified or certificated position,
5 including a temporary or substitute position, to provide, in writing,
6 information regarding a currently or previously held license,
7 registration, or special permit issued under Chapter 3 (commencing
8 with Section 1500) of Division 2 of the Health and Safety Code
9 for a community care facility and regarding current or prior
10 employment in a community care facility licensed by the State
11 Department of Social Services.

12 (2) By July 1, 2013, an employee of a school district shall notify
13 the school district, in writing, if the employee currently holds or
14 previously held a license, registration, or special permit issued
15 under Chapter 3 (commencing with Section 1500) of Division 2
16 of the Health and Safety Code for a community care facility and
17 if the employee is currently or was previously employed in a
18 community care facility licensed by the State Department of Social
19 Services.

20 (3) *After July 1, 2013, an employee of a school district shall*
21 *notify the school district within 30 days, in writing, if the employee*
22 *obtains a license, registration, or special permit issued under*
23 *Chapter 3 (commencing with Section 1500) of Division 2 of the*
24 *Health and Safety Code for a community care facility or if the*

1 *employee is hired to work in a community care facility licensed*
2 *by the State Department of Social Services.*

3 (b) When a school district receives information that an applicant
4 for employment or an employee currently holds or previously held
5 a license, registration, or special permit issued under Chapter 3
6 (commencing with Section 1500) of Division 2 of the Health and
7 Safety Code for a community care facility or is currently or was
8 previously employed in a community care facility licensed by the
9 State Department of Social Services, the school district shall submit
10 the applicant's or employee's name, birth date, and driver's license
11 or Department of Motor Vehicles identification number to the
12 State Department of Social Services.

13 (c) (1) The State Department of Social Services shall include
14 the contact information for the employing school district in the
15 record of an individual holding a license, registration, or special
16 permit issued under Chapter 3 (commencing with Section 1500)
17 of Division 2 of the Health and Safety Code for a community care
18 facility and in the record of the employee of a community care
19 facility. ~~After July 1, 2013, at least once per calendar year, an~~
20 *individual who is an employee of a school district shall update the*
21 *contact information for the employing school district.*

22 (2) If the individual's license, registration, or special permit is
23 revoked, suspended, forfeited, canceled, or surrendered on the
24 grounds that the holder engaged in conduct inimical to the health,
25 morals, welfare, or safety of ~~either~~ an individual *either residing*
26 *in or receiving services from the community care facility or has*
27 *an exclusion on those grounds, the State Department of Social*
28 *Services shall notify the employing school district and, in the case*
29 *of a certificated employee, the Commission on Teacher*
30 *Credentialing within 10 days of receipt of information pursuant*
31 *to subdivision (b) or within 10 days of the revocation, suspension,*
32 *forfeiture, cancellation, surrender, or exclusion, whichever is*
33 *applicable.*

34 (3) *The State Department of Social Services shall notify a school*
35 *district when an employee of that school district is granted a*
36 *license, registration, or special permit issued under Chapter 3*
37 *(commencing with Section 1500) of Division 2 of the Health and*
38 *Safety Code for a community care facility or is granted*
39 *authorization to be employed in a community care facility licensed*
40 *by the State Department of Social Services.*

1 (d) If an employee of a school district who holds a license,
2 registration, or special permit issued under Chapter 3 (commencing
3 with Section 1500) of Division 2 of the Health and Safety Code
4 for a community care facility or is employed in a community care
5 facility licensed by the State Department of Social Services is
6 dismissed on the basis of endangering the safety of a pupil, the
7 school district shall notify the State Department of Social Services
8 of the dismissal.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.